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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,034	11/23/2001	Jack E. Caveney	LCB358A	4452

7590

02/23/2006

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EXAMINER
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DUONG, THOMAS

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/992,034

Applicant(s)

CAVENEY, JACK E.

Examiner

Thomas Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the applicants Amendment filed on December 5, 2005. *Claims 1-25* are presented for further consideration and examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
3. *Claims 1-4* are rejected under 35 U.S.C. 102(e) as being anticipated by Krupka et al. (US005483467A).
4. With regard to *claim 1*, Krupka discloses,
  - *a computer processor; (Krupka, col.6, lines 37-55)*

Krupka teaches of “*a main computer 10, ... which is coupled ... to a plurality of computer ports forming part of a distributed panel 18*” (Krupka, col.6, lines 40-44).
  - *a scanner in communication with said computer processor, said scanner capable of polling at least information therefrom; (Krupka, col.6, lines 56-65)*

Krupka teaches of *"a scanner 30 [which] is provided for automatically and preferably, continuously sensing the interconnection arrangement of the patching cables and thus the interconnection status of the various computer ports 16 and user ports 20"* (Krupka, col.6, lines 56-62).

- *a plurality of local system ports disposed at distinct physical locations within said system, said local system ports in communication with said computer processor; and* (Krupka, col.6, lines 37-55)

Krupka teaches of *"a main computer 10, ... which is coupled ... to a plurality of computer ports forming part of a distributed panel 18"* (Krupka, col.6, lines 40-44).

- *at least one visual indicator corresponding to and disposed proximately to at least a plurality of said data ports, whereby when one of said data ports is placed in communication with one of said local system ports, said visual indicator corresponding to said data port may display information about said corresponding data port.* (Krupka, col.1, lines 56-58)

Krupka teaches of an *"output apparatus, coupled to the apparatus for identifying, for providing an output indication of the connection pattern"* (Krupka, col.1, lines 56-58). According to Krupka, *"a main computer, such as an IBM mainframe, which is coupled, typically via a controller, such as a IBM 3270, and local area network cabling, typically type I, ICS cabling, to a plurality of computer ports forming part of distribution panel"* (Krupka, col.6, lines 40-44). In addition, Krupka states that *"interconnections between individual computer ports and individual user ports are provided by patching cables or alternatively by apparatus of internal connections in patching panels"* (Krupka, col.6, lines 50-53)

and that an *“output apparatus, coupled to the apparatus for identifying, for providing an output indication of the connection pattern”* (Krupka, col.1, lines 56-58). Hence, Krupka anticipates of an apparatus that automatically and, preferably, continuously sensing the interconnection arrangement of the patching cables and provide a status output to the apparatus.

5. With regard to claims 2-4, Krupka discloses,

- *wherein said plurality of data ports are distributed over and disposed upon a plurality of network racks and each of said racks includes at least one local system port disposed proximately thereto.* (Krupka, col.6, lines 37-62)  
Krupka teaches of *“a main computer 10, ... which is coupled ... to a plurality of computer ports forming part of a distributed panel 18”* (Krupka, col.6, lines 40-44) and *“a scanner 30 [which] is provided for automatically and preferably, continuously sensing the interconnection arrangement of the patching cables and thus the interconnection status of the various computer ports 16 and user ports 20”* (Krupka, col.6, lines 56-62).
- *wherein said scanner periodically polls all of said data ports in said system.* (Krupka, col.6, lines 37-62)
- *wherein said scanner polls at least said data port in communication with said local system port while said data port and local system port are in communication with each other.* (Krupka, col.6, lines 37-62)

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krupka et al. (US005483467A) and in view of Smith (US005583874A).

8. With regard to claims 5, 13, 21, and 23-25, Krupka discloses,

- *a computer processor; (Krupka, col.6, lines 37-55)*

Krupka teaches of *"a main computer 10, ... which is coupled ... to a plurality of computer ports forming part of a distributed panel 18"* (Krupka, col.6, lines 40-44).

- *a scanner in communication with said computer processor, said scanner capable of polling at least information therefrom; (Krupka, col.6, lines 56-65)*

Krupka teaches of *"a scanner 30 [which] is provided for automatically and preferably, continuously sensing the interconnection arrangement of the patching cables and thus the interconnection status of the various computer ports 16 and user ports 20"* (Krupka, col.6, lines 56-62).

- *a plurality of local system ports disposed at distinct physical locations within said system, said local system ports in communication with said computer processor; and (Krupka, col.6, lines 37-55)*

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Krupka teaches of *"a main computer 10, ... which is coupled ... to a plurality of computer ports forming part of a distributed panel 18"* (Krupka, col.6, lines 40-44).

However, Krupka does not explicitly disclose,

- *a portable information module for connecting to respective ones of said plurality of local system ports, whereby when said portable information module is connected to one of said local system ports, said portable information module may be placed into communication with and display information about respective ones of said data ports in said system.*

Smith teaches,

- *a portable information module for connecting to respective ones of said plurality of local system ports, whereby when said portable information module is connected to one of said local system ports, said portable information module may be placed into communication with and display information about respective ones of said data ports in said system.* (Smith, col.1, line 53 – col.2, line 37)

Smith teaches of a portable LAN link tester device that connects into two separate devices to test the connection or link of the devices and provide feedback to the user via the indicators.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Smith with the teachings of Krupka to provide a simple network link tester which a user can use to determine if there is a problem with the network. Furthermore, the combination of the teachings of Smith and Krupka provide for a very useful device by making it compact and portable which helps the administrators to troubleshoot the network should it arises.

9. With regard to claims 6-12 and 22, Krupka discloses,

- *wherein said plurality of data ports are distributed over and disposed upon a plurality of network racks and each of said racks includes at least one local system port disposed proximately thereto. (Krupka, col.6, lines 37-62)*

*Krupka teaches of "a main computer 10, ... which is coupled ... to a plurality of computer ports forming part of a distributed panel 18" (Krupka, col.6, lines 40-44) and "a scanner 30 [which] is provided for automatically and preferably, continuously sensing the interconnection arrangement of the patching cables and thus the interconnection status of the various computer ports 16 and user ports 20" (Krupka, col.6, lines 56-62).*

- *wherein said system further includes a second portable information module for connecting to respective ones of said plurality of local system ports, wherein when said second module is connected to one of said local system ports, said second module may be placed into communication with and display information about respective ones of said data ports in said system, said second module being able to function on said revision system simultaneously with said other portable information module. (Krupka, col.6, lines 37-62)*
- *wherein said scanner periodically polls all of said data ports in said system. (Krupka, col.6, lines 37-62)*

10. With regard to claims 14-17, Krupka and Smith disclose,

- *wherein said indicator includes a visual indicator. (Krupka, col.1, lines 56-58; Smith, col.1, line 53 – col.2, line 37)*



- *wherein said visual indicator includes a light-emitting diode.* (Krupka, col.1, lines 56-58; Smith, col.1, line 53 – col.2, line 37)
- *wherein said visual indicator includes a liquid crystal display.* (Krupka, col.1, lines 56-58; Smith, col.1, line 53 – col.2, line 37)
- *wherein said visual indicator includes a color display screen.* (Krupka, col.1, lines 56-58; Smith, col.1, line 53 – col.2, line 37)

11. With regard to claims 18-20, Krupka and Smith disclose,

- *wherein at least one of said data ports includes a port plate disposed proximately thereto.* (Krupka, col.6, lines 37-62)  
  
Krupka teaches of “a main computer 10, ... which is coupled ... to a plurality of computer ports forming part of a distributed panel 18” (Krupka, col.6, lines 40-44) and “a scanner 30 [which] is provided for automatically and preferably, continuously sensing the interconnection arrangement of the patching cables and thus the interconnection status of the various computer ports 16 and user ports 20” (Krupka, col.6, lines 56-62).
- *wherein one of said data ports includes a patch cord plug inserted therein, said patch cord plug disposed at an end of said patch cord and including a plug extension for contacting said port plate when said patch cord plug is inserted in said data port.* (Krupka, col.1, lines 56-58; Smith, col.1, line 53 – col.2, line 37)
- *wherein said patch cord plug includes a plug plate thereon, said plug plate being connectable to said portable information module.* (Krupka, col.1, lines 56-58; Smith, col.1, line 53 – col.2, line 37)

**Response to Arguments**

12. Applicant's arguments with respect to *claims 1, 5, 13, 21, and 23-25* have been considered but they are not persuasive.
13. With regard to *claim 1*, the Applicants point out that:
- *Independent claim 1 recites, inter alia, "whereby when one of said data ports is placed in communication with one of said local system ports, said visual indicator corresponding to said data port may display information about said corresponding data port." Krupka does not disclose, teach or suggest such a feature.*
  - *The Office Action asserts that Krupka teaches such a feature at col. 1, lines 56-58. Applicant respectfully asserts that although the passage may describe a "visual indicator" associated with known scanning systems, nowhere does the passage disclose, teach or suggest that "when one of said data ports is placed in communication with one of said local system ports, said visual indicator corresponding to said data port may display information about said corresponding data port," as recited in the claims.*

However, the Examiner finds that the Applicants' arguments are not persuasive because Krupka teaches of an *"output apparatus, coupled to the apparatus for identifying, for providing an output indication of the connection pattern"* (Krupka, col.1, lines 56-58). According to Krupka, *"a main computer, such as an IBM mainframe, which is coupled, typically via a controller, such as a IBM 3270, and local area network cabling, typically type I, ICS cabling, to a plurality of computer ports forming part of distribution panel"* (Krupka, col.6, lines 40-44). In addition, Krupka

states that *"interconnections between individual computer ports and individual user ports are provided by patching cables or alternatively by apparatus of internal connections in patching panels"* (Krupka, col.6, lines 50-53) and that an *"output apparatus, coupled to the apparatus for identifying, for providing an output indication of the connection pattern"* (Krupka, col.1, lines 56-58). Hence, Krupka anticipates of an apparatus that automatically and, preferably, continuously sensing the interconnection arrangement of the patching cables and provide a status output to the apparatus.

### **Conclusion**

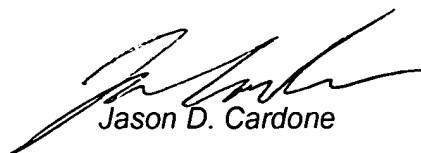
14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone

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can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

*Thomas Duong (AU2145)*

*February 17, 2006*

A handwritten signature in black ink, appearing to read 'Jason D. Cardone', is written over the printed name.

Jason D. Cardone

*Supervisory PE (AU2145)*